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SENATE BILL 153

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

Carroll H. Leavell

AN ACT

RELATING TO WORKERS' COMPENSATION; LIMITING THE SOURCE OF
CALCULATIONS FOR IMPAIRMENTS TO THE MOST RECENT EDITION OF
AMERICAN MEDICAL ASSOCIATION GUIDELINES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 52-1-43 NMSA 1978 (being Laws 1987,
Chapter 235, Section 18, as amended) is amended to read:

"52-1-43. COMPENSATION BENEFITS--INJURY TO SPECIFIC BODY
MEMBERS.--

A. For disability resulting from an accidental
injury to specific body members, including the loss or loss
of use thereof, the worker shall receive the weekly maximum
and minimum compensation for disability as provided in
Section 52-1-41 NMSA 1978, for the following periods:

Injury	Compensation Benefits
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		Number of Weeks
1		
2	(1) one arm at or near shoulder, dextrous	
3	member	200 weeks
4	(2) one arm at elbow, dextrous member	160 weeks
5	(3) one arm between wrist at elbow, dextrous	
6	member	150 weeks
7	(4) one arm at or near shoulder, nondextrous	
8	member	175 weeks
9	(5) one arm at elbow, nondextrous member	155 weeks
10	(6) one arm between wrist and elbow, nondextrous	
11	member	140 weeks
12	(7) one hand, dextrous member	125 weeks
13	(8) one hand, nondextrous member	110 weeks
14	(9) one thumb and the metacarpal bone thereof	55 weeks
15	(10) one thumb at the proximal joint	34 weeks
16	(11) one thumb at the second distal joint	22 weeks
17	(12) one first finger and the metacarpal bone	
18	thereof	28 weeks
19	(13) one first finger at the proximal joint	22 weeks
20	(14) one first finger at the second joint	17 weeks
21	(15) one first finger at the distal joint	12 weeks
22	(16) one second finger and the metacarpal bone	
23	thereof	22 weeks
24	(17) one second finger at the proximal joint	17 weeks
25	(18) one second finger at the second joint	12 weeks

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- 1 (19) one second finger at the distal joint 10 weeks
- 2 (20) one third finger and the metacarpal bone
- 3 thereof 17 weeks
- 4 (21) one third finger at the proximal joint 12 weeks
- 5 (22) one third finger at the second joint 10 weeks
- 6 (23) one third finger at the distal joint 10 weeks
- 7 (24) one fourth finger and the metacarpal bone
- 8 thereof 14 weeks
- 9 (25) one fourth finger at the proximal joint 14 weeks
- 10 (26) one fourth finger at the second joint 10 weeks
- 11 (27) one fourth finger at the distal joint 7 weeks
- 12 (28) loss of all fingers on one hand where thumb and
- 13 palm remain 70 weeks
- 14 (29) one leg at or near hip joint, so as to preclude
- 15 the use of an artificial limb 200 weeks
- 16 (30) one leg at or above the knee, where stump remains
- 17 sufficient to permit the use of an artificial
- 18 limb 150 weeks
- 19 (31) one leg between knee and ankle 130 weeks
- 20 (32) one foot at the ankle 115 weeks
- 21 (33) one great toe with the metatarsal bone
- 22 thereof 35 weeks
- 23 (34) one great toe at the proximal joint 17 weeks
- 24 (35) one great toe at the second joint 12 weeks
- 25 (36) one toe other than the great toe with the metatarsal

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- 1 bone thereof 14 weeks
- 2 (37) one toe other than the great toe at the proximal
- 3 joint 10 weeks
- 4 (38) one toe other than the great toe at second or
- 5 distal joint 8 weeks
- 6 (39) loss of all toes on one foot at proximal joint 40 weeks
- 7 (40) eye by enucleation 130 weeks
- 8 (41) total blindness of one eye 120 weeks
- 9 (42) total deafness in one ear 40 weeks
- 10 (43) total deafness in both ears 150 weeks.

11 B. For a partial loss of use of one of the body
12 members or physical functions listed in Subsection A of this
13 section, the worker shall receive compensation computed on the
14 basis of the degree of such partial loss of use, payable for
15 the number of weeks applicable to total loss or loss of use of
16 that body member or physical function. The compensation shall
17 be based only upon the most recent edition of the American
18 medical association's *Guides to the Evaluation of Permanent*
19 *Impairment* as determined by the treating health care provider.

20 C. In cases of actual amputation of the arm or leg,
21 the workers' compensation judge in [~~his~~] the judge's discretion
22 may award compensation benefits in excess of those provided in
23 Subsection A of this section if there is substantial evidence
24 to support a finding that, because of the worker's advanced
25 age, lack of education or lack of training, [~~he~~] the worker has

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1 in fact a partial disability [~~which~~] that will disable [~~him~~]
2 the worker longer than the time specified in the schedule in
3 Subsection A of this section. The additional compensation
4 period may not in any event exceed twice the time specified in
5 the schedule in Subsection A of this section for such injury.

6 D. In determining the [~~worker's~~] workers'
7 compensation benefits payable to a worker under this section
8 for a disability resulting from a scheduled injury, the worker
9 is entitled to be compensated as provided in Subsection A of
10 this section up to the date the worker is released from regular
11 treatment by [~~his~~] the worker's primary treating health care
12 provider, as defined in Section 52-4-1 NMSA 1978, if [~~he~~] the
13 worker is in fact totally disabled during that time. Any
14 compensation paid up to that date shall be in addition to the
15 compensation allowed under Subsection A of this section, but in
16 no event shall any worker be entitled to compensation for a
17 period in excess of seven hundred weeks."

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